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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/599,407	09/28/2006	Francis Chu	USO40169	8445
24737 7590 08/21/2009 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
MAHASE, PAMESHANAND				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/599,407

**Applicant(s)**

CHU ET AL.

**Examiner**

PAMESHANAND MAHASE

**Art Unit**

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-28 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 28 September 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 9/28/2006  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1-28 are presented for examination.

#### ***Priority***

2. The claim for priority based upon PCT/IB05/51039 filed on March 25, 2005 has been granted.

#### ***Information Disclosure Statement***

3. The information disclosure statement (IDS) submitted on September 28, 2006 has been considered by the examiner.

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-4, 6-15, 17-23 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, Jr. [U.S. Patent 6,185,307] in view of Page et al. [U.S. Patent 6,801,787]

With regard to claim 1, Johnson, Jr. meets the limitation of a memory by disclosing a memory on the card tag (figure 2A, item 120) and the limitation of a transmitter by disclosing a transmitter used in enabling the card to communicate with the point of sale device (figure 2A, item 106; column 6, lines 36-61). However, Johnson et al. fails to disclose a personal profile selection component.

In the field of wireless information retrieval, Page et al. disclose a plurality of buttons on a card reading device that enables the user to view and select desired data (figure 1, item 114; column 6, lines 52-63). It would be obvious to one with ordinary skill in the art to combine the memory, transmitter, and buttons to create a wireless device that allows the user to select which portion of the memory is transmitted.

With regard to claim 2, Johnson, Jr. meets the limitation of the memory containing a subset by disclosing the tag having portions of memory that are accessible and modifiable by numerous service providers (column 4, lines 7-45).

With regard to claim 3, please refer to the rejection for claim 1 as the subject matter is addressed.

With regard to claim 4, please refer to the rejection for claim 1 as the subject matter is addressed.

With regard to claim 6, Johnson, Jr. meets the limitation of a transceiver by disclosing receiver and transmitter on the card that sends and receives information from the card reader

(figure 2A, items 106 and 108; column 6, lines 36-61).

With regard to claim 7, Johnson, Jr. meets the limitation of the reader receiving the signal from the identification device by disclosing the card reader continuously scanning for a tag to respond to its interrogation signal so that communication between the two devices can be initiated.

With regard to claim 8, Johnson, Jr. meets the limitation of a memory by disclosing a memory on the card tag (figure 2A, item 120) and the limitation of a transmitter by disclosing a transmitter used in enabling the card to communicate with the point of sale device (figure 2A, item 106; column 6, lines 36-61). However, Johnson et al. fails to disclose the modification of memory.

In the field of wireless information retrieval, Page et al. teaches data being modified by the user input through the buttons on the memory reading device (column 6, lines 52-63). I would be obvious to one with ordinary skill in the art to combine the memory, transmitter, and buttons to create a personal identification device where the user is able to modify or alter the memory on the user's identification device.

With regard to claim 9, please refer to the rejection for claim 8 as the subject matter is addressed.

With regard to claim 10, Johnson Jr. meets the limitation of the profile comprising of information regarding payment information by disclosing numerous patents being granted for devices containing customer account information for point of payment systems (column 1, lines 42-58).

With regard to claim 11, Johnson, Jr. meets the limitation of the device being a credit

card by disclosing the device being a card (figure 1, item 14).

With regard to claim 12, please refer to the rejection for claim 1 as the subject matter is addressed.

With regard to claim 13, please refer to the rejection for claim 2 as the subject matter is addressed.

With regard to claim 14, please refer to the rejection for claim 8 as the subject matter is addressed.

With regard to claim 15, Johnson, Jr. meets the limitation of the device transceiver accessing the memory of the reader by disclosing an interaction between the identification card and the reader (figure 2A).

With regard to claim 17, Johnson, Jr. meets the limitation of the information being stored on the device if it only matches the information on the profile by disclosing a unique identifier for each device that prevents the reader from reading or writing the information to the wrong device.

With regard to claim 18, please refer to the rejection for claim 1 as the subject matter is addressed.

With regard to claim 19, Johnson, Jr. meets the limitation of an arbiter by disclosing a controller on the device that is used to control the device's operation (figure 2C, item 115; column 6, lines 62-67; column 7, lines 1-2).

With regard to claim 20, please refer to the rejection for claim 19 as the subject matter is addressed.

With regard to claim 21, Johnson, Jr. meets the limitation of a transmitter by disclosing a

transmitter on the device (figure 2C, item 106).

With regard to claim 22, Johnson, Jr. meets the limitation of a memory by disclosing a memory on the card tag (figure 2A, item 120), the limitation of a transmitter by disclosing a transmitter used in enabling the card to communicate with the point of sale device (figure 2A, item 106; column 6, lines 36-61), and the limitation of a reader by disclosing a reading device for the card (figure 2B, item 216). However, Johnson et al. fails to disclose a personal profile selection component.

In the field of wireless information retrieval, Page et al. disclose a plurality of buttons on a card reading device that enables the user to view and select desired data (figure 1, item 114; column 6, lines 52-63). It would be obvious to one with ordinary skill in the art to combine the memory, transmitter, and buttons to create a wireless device that allows the user to select which portion of the memory is transmitted.

With regard to claim 23, Johnson, Jr. meets the limitation of a memory by disclosing a memory on the card tag (figure 2A, item 120), the limitation of a transmitter by disclosing a transmitter used in enabling the card to communicate with the point of sale device (figure 2A, item 106; column 6, lines 36-61), and the limitation of the memory containing a subset by disclosing the tag having portions of memory that are accessible and modifiable by numerous service providers (column 4, lines 7-45).

However, Johnson et al. fails to disclose a personal profile selection component.

In the field of wireless information retrieval, Page et al. disclose a plurality of buttons on a card reading device that enables the user to view and select desired data (figure 1, item 114; column 6, lines 52-63). It would be obvious to one with ordinary skill in the art to combine the

memory, transmitter, and buttons to create a wireless device that allows the user to select which portion of the memory is transmitted.

With regard to claim 26, Johnson, Jr. meets the limitation of the device receiving a request to communicate by disclosing the reader requesting the tag to transmit its identification number in order to allow the reader to begin communicating with the device (column 3, lines 14-24).

With regard to claim 27, please refer to the rejection for claim 19 as the subject matter is addressed.

With regard to claim 28, please refer to the rejection for claim 26 as the subject matter is addressed.

7. Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, Jr. [U.S. Patent 6,185,307] in view of Page et al. [U.S. Patent 6,801,787], and further in view of Taylor et al. [U.S. Patent Publication 2005/0035860]

With regard to claim 5, Johnson, Jr. meets the limitation of a memory by disclosing a memory on the card tag (figure 2A, item 120) and the limitation of a transmitter by disclosing a transmitter used in enabling the card to communicate with the point of sale device (figure 2A, item 106; column 6, lines 36-61). However, Johnson et al. fails to disclose a transmitter being an RFID tag.

In the field of wireless communications, Taylor et al. discloses data signals being transmitted by an RFID tag (paragraph 0056). It would be obvious to one with ordinary skill in the art to combine the memory, transmitter, and RFID tag to create a personal identification



device where the data on the device is transmitted by an RFID device.

With regard to claim 16, please refer to claim 5 as the subject matter is addressed.

8. Claim 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson, Jr. [U.S. Patent 6,185,307] in view of Page et al. [U.S. Patent 6,801,787], and further in view of Buckingham et al. [U.S. Patent Publication 2006/0017547]

With regard to claim 24, With regard to claim 5, Johnson, Jr. meets the limitation of a memory by disclosing a memory on the card tag (figure 2A, item 120), a controller on the device that is used to control the device's operation (figure 2C, item 115; column 6, lines 62-67; column 7, lines 1-2), and the limitation of a transmitter by disclosing a transmitter used in enabling the card to communicate with the point of sale device (figure 2A, item 106; column 6, lines 36-61). However, Johnson et al. fails to disclose the generation of a profile.

In the field of wireless management, Buckingham et al. teaches the generation of a profile based upon the user's personal settings (paragraph 0115). It would be obvious to one with ordinary skill in the art to combine the card tag, transmitter, the controller, and profile generation to create a subset of profiles based on the user's primary data to ensure valid data transmission between the device and reader.

With regard to claim 25, please refer to the rejection for claim 24 as the subject matter is addressed.

***Prior Art***

9. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. U.S. Patent 5,790,020 to Sasagawa et al. discloses an electronic article surveillance system where each relay includes a resistance variation detecting section for successively detecting the resistance variation of one or more tags and for producing detection data; a data comparing section for comparing data prestored in memory with the detection data; a warning generating section for generating a warning when there is no coincidence in the comparison; and a tag surveillance operation stop section for stopping the warning generating operation for the subject relay or for a specific tag from among one or more the tags in response to an external control signal. U.S. Patent 5,388,156 to Blackledge, Jr. et al. discloses an invention relating to computer systems and, more particularly, to such a system having security features enabling control over access to data retained in such a system. U.S. Patent 5,287,519 to Dayan et al. discloses a method and medialess personal computer system workstation (or LAN station as herein defined) adaptable for securing the system against attack on a secured network with which the LAN station is associated.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAMESHANAND MAHASE whose telephone number is (571)270-7223. The examiner can normally be reached on Monday- Friday 8:00AM - 5:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR)

system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PAMESHANAND MAHASE/  
Examiner, Art Unit 2612

/Daniel Wu/  
Supervisory Patent Examiner, Art Unit 2612